

TAB I

From: Dan Speights
Sent: Wednesday, April 04, 2007 1:58 PM
To: 'lesayian@kirkland.com'
Subject: Re: Langer Deposition

We did have a meet and confer.

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Lisa Esayian <lesayian@kirkland.com>
To: Dan Speights
CC: DCameron@ReedSmith.com <DCameron@ReedSmith.com>; TRea@ReedSmith.com
<TRea@ReedSmith.com>
Sent: Wed Apr 04 13:39:34 2007
Subject: Re: Langer Deposition

You did not have a meet and confer with us before you filed your privilege log motion (and yet you represented to the court that you did.)

Lisa G. Esayian
Kirkland & Ellis LLP
(312) - 861 - 2226 (phone)
(312) - 660 - 0663 (direct fax)
200 East Randolph Drive
Chicago, IL 60601
lesayian@kirkland.com

"Dan Speights" <DSpeights@speightsrunyan.com>

04/04/2007 12:37 PM

To

<lesayian@kirkland.com>

cc

<DCameron@ReedSmith.com>, <TRea@ReedSmith.com> Subject

Re: Langer Deposition

I understand that the deponent will not appear tomorrow. I also assume you will have a meet and confer before you file your motion.

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Lisa Esayian <lesayian@kirkland.com>

To: Dan Speights

CC: dcameron@reedsmith.com <dcameron@reedsmith.com>; trea@reedsmith.com
<treas@reedsmith.com>

Sent: Wed Apr 04 13:33:41 2007

Subject: Langer Deposition

Dan,

You evidently served a subpoena on Dr. Langer at some point within the past few days or last week. However, you did not serve a copy of the subpoena to Grace, and therefore, the subpoena, and the request for a deposition tomorrow, is defective.

Because you did not serve a copy of the subpoena to Grace, neither Grace nor Kirkland nor Reed Smith knew of the subpoena until two days ago. This, obviously, is insufficient notice for a deposition tomorrow.

Because you have never served a copy of the subpoena to Grace, the Langer deposition will not be proceeding tomorrow. This is a courtesy email notification to you. You will also receive a letter via facsimile and email from me, and Grace will be filing a motion to quash the deposition.

To be very clear: Because of your defective subpoena, there will be no Langer deposition tomorrow.

Lisa G. Esayian
Kirkland & Ellis LLP
(312) - 861 - 2226 (phone)
(312) - 660 - 0663 (direct fax)
200 East Randolph Drive
Chicago, IL 60601
lesayian@kirkland.com

From: Dan Speights [mailto:DSpeights@speightsrunyan.com
<mailto:DSpeights@speightsrunyan.com>]
Sent: Wednesday, April 04, 2007 1:10 PM
To: Rea, Traci S.
Cc: Cameron, Douglas E.; Restivo, James J., Jr.
Subject: Langer

You have not responded to my email of a day or two ago asking if I could take Langer at your office. When I telephoned you this morning and told you I needed to talk with the person who is covering this deposition, you said you didn't know. I requested that you email the identity of that person but I have not heard back from you.

Sent from my BlackBerry Wireless Handheld

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